IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 31815 of 2007(K)

PETITIONER:

M/S.HAILEYBURIA TEA ESTATE LTD.,
ELAPPARA, IDUKKI DISTRICT, REPRESENTED BY
ITS EXECUTIVE CO-ORDINATOR MR.K.K.NAIR.

BY ADV. SRI.JOSEPH KODIANTHARA
SRI.TERRY V.JAMES

RESPONDENTS:
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1. **THE ASSISTANT PROVIDENT FUND COMMISSIONER, EMPLOYEES PROVIDENT FUND ORGANIZATION, SUB-REGIONAL OFFICE, CHALAKUZHY BUILDING, CMS COLLEGE ROAD, KOTTAYAM-686 001.**

2. **EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL, 7TH FLOOR, 60, SKYLARK BUILDING, NEHRU PLACE, NEW DELHI-110 019.**

SRI.JOY THATTIL ITTOOP, SC FOR EPF ORGANIZATION

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.31815/2007 K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE NOTICE OF LOCKOUT DTD. 12/01/2003.**

EXT.P2: **COPY OF THE NOTICE LIFTING THE LOCKOUT DTD.15/04/2004.**

EXT.P3: **COPY OF THE ANNUAL REPORT OF THE COMPANY FOR THE YEAR 2005-06.**

EXT.P4: **COPY OF THE CERTIFICATE DTD. 14/12/2006 ISSUED BY THE INDIAN BANK, ERNAKULAM MAIN BRANCH.**

EXT.P5: **COPY OF THE LETTER NO.KR/KTM/48 & 49/ENF.1(3)03 6632 DTD. 22/07/2003 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.**

EXT.P6: **COPY OF THE GOVERNMENT ORDER DTD. 2/06/2004.**

EXT.P7: **COPY OF THE JUDGMENT DTD. 14/02/2007 IN WP9C) NO.4103/2007.**

EXT.P8: **COPY OF THE ORDER NO.KR/KTM/49/PD/ENF.1(3)07 DTD. 5/07/2007.**

EXT.P9: **COPY OF THE MEMORANDUM OF APPEAL DTD. 4/08/2007 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

EXT.P10: **COPY OF THE ORDER NO.KR/KTM/49/ENF.193)07 DTD. 5/10/2007 ISSUED BY THE 1ST RESPONDENT.**

EXT.P11: **COPY OF THE LETTER DTD. 13/10/2007 SENT BY THE PETITIONER THROUGH ITS COUNSEL.**

/TRUE COPY/

P.A.TO JUDGE

KSS

ANTONY DOMINIC, J.

W.P.(C)NO.31815 OF 2007 - K

Dated this the 1st day of December, 2007.

JUDGMENT

It is now agreed by both sides that the petitioner has already obtained an order of stay from the Employees Provident Fund Appellate Tribunal, New Delhi. If that be so, naturally, Ext.P10 attaching Bank account has to be withdrawn. Taking into account this factual situation, this Court had granted stay of attachment by order dated 26.10.2007.

2. In view of the above position which is accepted by both sides, I direct that until the disposal of the appeal by the Appellate Tribunal, petitioner will have the benefit of the order of stay passed by this Court dated 26.10.2007 and thereafter, the parties be governed by the order to be passed in the appeal.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

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